(P200A) (1) (3)

# IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

**Writ Petition No. 122 /2004**

PETITIONERS:

1. M/s Rathi Solvent Oil Industries
   through Gagan Rathi, Partner
   Orissa Road, Dipapara, Raigarh (C.G.)
2. Gagan Rathi S/o Madan Lal Rathi
   R/o Orissa Road, Dipapara, Raigarh (C.G.)

- Versus -

RESPONDENTS

1. Union of India,
   Through Secretary, Ministry
   of Law, Shastri Bhawan,
   R. P. Road, New Delhi.
2. Chief Manager, State Bank of India
   Commercial Branch, FCI Godown Road
   Tarbahar, Bilaspur (C.G.)

P. R. No. 1264 Presented by Shri Rangnath Pandey dated 09.12.04

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION.**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W P 122/04 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**DIVISION BENCH:**

**HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ**
**& HON'BLE SHRI FAKHRUDDIN, J.**

**29/06/2004**: -

Shri M.L.Pastore, counsel for the petitioners.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondent No.1.

None for the respondent No.2

Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed.

However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

Jyo.

[पीछे देखिये